

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Martin Stern on Friday, October 10th, 2008.

The application has been amended as follows:

Claim 49:

line 12; the following claim language has been inserted on line 12 of claim 49, following "the second flange" and before the period ".":

--; wherein the first and second posts further comprise a plurality of connectors extending laterally and away from the opposed sides of the posts, the ends of the first and second flanges releasably engagable with at least one connector on the first and second posts, respectively, at different heights along the first and second posts defined at least in part by the locations of the plurality of connectors on the posts, said connectors passing through the end portions of the first and second flanges--

Claim 52 has been cancelled

Claim 53

line 1: "as claimed in claim 52" has been changed to --*as claimed in claim 49--*

Reason's for Allowance

The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of claim 49 (as amended with the Examiner's Amendment) is *the inclusion of detailed structural language describing the relationship between the first and second flanges and their respective posts*; specifically that the flanges connect to an exterior surface of a side of the posts by receiving lateral connectors extending outwardly from the posts, such that the connectors pass through the end portions of the flanges, and that the flanges are shaped to extend around the posts to abut and bear against a front portion of the posts, and distinctively only extending less than the entire lateral width of the post. Such a relationship of posts, wrap-around flanges and piercing connectors is not anticipated by references such as the prior art of record.

The prior art of Skar (US 2,772,846) teaches a shelf supported on a post by a wrap-around flange, but fails to disclose the flange connected to the post by laterally extending connectors that pass through the flange.

The prior art of Simon (US 5,806,820) teaches a form of a flange connected to a post but fails to disclose outward and laterally extending connectors on the outside of the side pots for the flange to engage.

Konstant et al. (US 4,285,436) teaches a flange connectable to a post on both the front and side, but like the above references fails to teach an outwardly extending lateral connector that the flange can engage.

Lazarus (US 6,158,599) teaches various forms of cantilevered shelving, but only teaches flanges that must pass through the connectors, and not connectors that pass through the ends of the flanges, and additionally teaches a more spaced, rather than abutting and bearing, relationship between the shelf and the post.

Absent the applicant's disclosure there would be no reason to combine and further change such features of the references such as those discussed above without relying on hindsight. The above noted examiner's amendment to the applicant's amendments submitted June 16th, 2008, read over the prior art of record discussed in the preceding paragraphs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COLLEEN M. QUINN whose telephone number is

(571)272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art Unit 3634

/C. M. Q./
Examiner, Art Unit 3634